

EVA GARCIA-MENDOZA, ESQ.  
NEVADA BAR NO. 1779  
LUTHER SNAVELY, ESQ.  
NEVADA BAR NO. 5507  
GARCIA-MENDOZA & SNAVELY, CHTD.  
501 SOUTH SEVENTH STREET  
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(702) 384-8484  
ATTORNEYS FOR THE DEFENDANTS

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

SIX MINUTES, LLC, a Nevada limited-  
liability company,  
  
Plaintiff,  
  
vs.  
  
HARRISON "LANNY" MORTON, an individual,  
; DEENA MORTON, an individual; MORTON  
ENTERPRISES, LLC, an Arizona limited-  
liability company; DOES 1-10; and ROES  
1-10,  
  
Defendants.

Case No.:

**PETITION FOR REMOVAL TO THE UNITED  
STATES DISTRICT COURT FOR THE DISTRICT  
OF NEVADA**

COME NOW, the Defendants, HARRISON "LANNY" MORTON, DEENA  
MORTON and MORTON ENTERPRISES, LLC, by and through their attorneys, Eva  
Garcia-Mendoza, Esq. and Luther Snavely, Esq. of the law firm of Garcia-Mendoza &  
Snavely, Chtd., and submit this Petition for Removal to the United States District Court  
for the District of Nevada.

LAW OFFICES OF  
GARCIA-MENDOZA & SNAVELY CHTD.  
Eva Garcia-Mendoza, Esq.  
Luther M. Snavely, III Esq.  
501 SOUTH SEVENTH STREET  
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(702) 384-8484 FAX (702) 384-0207

1 PLEASE TAKE NOTICE, that the Defendants hereby remove this state action,  
2 entitled as above, Case No. A-11-652319-C, filed in the Eighth Judicial District Court  
3 for the State of Nevada in and for the County of Clark, to this Court. The grounds for  
4 removal are:

5 1. HARRISON "LANNY" MORTON, DEENA MORTON and MORTON  
6 ENTERPRISES, LLC are all Defendants in the above-entitled action commenced in the  
7 Eighth Judicial District Court for the State of Nevada in and for the County of Clark, and  
8 now pending in that Court.

9 2. A Complaint was filed by the Plaintiff in the Eighth Judicial District Court for the  
10 State of Nevada in and for the County of Clark on November 28, 2011 but it has never  
11 been served on the Defendants. The case was assigned to Department 31.

12 3. The Plaintiff filed an Application for a Temporary Restraining Order on Order  
13 Shortening Time and a Motion for a Preliminary Injunction with the Eighth Judicial  
14 District Court on December 9, 2011. The Eighth Judicial District Court, by Minute  
15 Order, set a time for hearing on the Application for a Temporary Restraining Order for  
16 December 16, 2011 before the Honorable Judge Joanna S. Kishner in Department 31  
17 of said Court. There have been no other proceedings in State Court. Attached as  
18 ATTACHED EXHIBIT 1 is a copy of the Plaintiff's Complaint. Attached as ATTACHED  
19 EXHIBIT 2 is the Plaintiff's Application for Temporary Restraining Order and Motion for  
20 Preliminary Injunction, Declaration of Shawn A. Mangano, Esq., Declaration of Sandra  
21 Gallagher, Notice of Hearing for February 16, 2011, and Register of Actions showing  
22 that Court entered Minute Order.  
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28

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GARCIA-MENDOZA & ASSOCIATES  
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1 4. The Plaintiff, by and through its Complaint, asserts claims against the  
2 Defendants for Fraudulent Concealment, Conspiracy to Commit Fraudulent  
3 Concealment, Breach of Fiduciary Duty, Conversion, Misappropriation of Trade  
4 Secrets, Intentional Interference with Contractual Relations, Injunctive Relief and  
5 Unjust Enrichment ( See ATTACHED EXHIBIT 1).  
6

7 5. This Court has original jurisdiction over this case based on Diversity of  
8 Citizenship pursuant to 28 U.S.C. §§1332, 1441 and 1446. The Plaintiff is a Nevada  
9 limited-liability company organized under the laws of the State of Nevada and a citizen  
10 of the State of Nevada. The individual Defendants are both residents of Maricopa  
11 County, Arizona and citizens of Arizona. Defendant Morton Enterprises, LLC is an  
12 Arizona limited-liability company organized under the laws of the State of Arizona and a  
13 citizen of the State of Arizona. Furthermore, the Plaintiff seeks recovery of more than  
14 \$160,497.00 in funds which it claims that the Defendants allegedly fraudulently  
15 misappropriated from it. The Plaintiff also seeks punitive damages from the  
16 Defendants. (See ATTACHED EXHIBIT 1, paras. 21, 48, 50, 55, 59, 61, 68, 71, 76,  
17 83, 100, 106, 107) Thus, the Plaintiff is a citizen of a different State than the  
18 Defendants and the amount in controversy exceeds the value of \$75,000.00.  
19 Accordingly, this Court has original jurisdiction over this case based on Diversity of  
20 Citizenship pursuant to 28 U.S.C. §§1332. Pursuant to 28 U.S.C. §§1441 and 1446,  
21 the Defendants are therefore entitled to remove this case to this Court.  
22

23  
24 6. Thirty days have not elapsed since the Defendants received the Plaintiff's  
25 Complaint. The documents set forth at ATTACHED EXHIBIT 1 and ATTACHED  
26 EXHIBIT 2 constitute all of the papers and pleadings in the possession of the  
27 Defendants.  
28



1 7. A copy of this Petition is being filed concurrently with the clerk of the Eighth  
2 Judicial District Court for the State of Nevada in and for the County of Clark and being  
3 served upon the Plaintiff's counsel.

4 Based on the foregoing, the Defendants, HARRISON "LANNY" MORTON,  
5 DEENA MORTON and MORTON ENTERPRISES, LLC, by and through their  
6 attorneys, Eva Garcia-Mendoza, Esq. and Luther Snavelly, Esq. of the law firm of  
7 Garcia-Mendoza & Snavelly, Chtd., remove the above action now pending in the Eighth  
8 Judicial District Court of the State of Nevada in and for the County of Clark, as Case  
9 Number A-11-652319-C, Department 31, TO THIS COURT.  
10

11 DATED this 15<sup>th</sup> day of December, 2011.

12 GARCIA-MENDOZA & SNAVELY CHTD.

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15 \_\_\_\_\_  
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CERTIFICATE OF MAILING

I hereby certify that I am an employee of the law firm of Garcia-Mendoza & Snavelly and that on this 15<sup>th</sup> day of December, 2011, I personally electronically filed and placed a copy of the foregoing, PETITION FOR REMOVAL TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA, first class mail, postage fully prepaid, addressed to the following, at his last known address:

Shawn A. Mangano, Esq.  
Shawn A. Mangano, Ltd.  
8367 West Flamingo Road, Suite 100  
Las Vegas, Nevada 89147



An employee of Garcia-Mendoza & Snavelly, Chtd.

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